

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF WASHINGTON**  
**AT SEATTLE**

AMERICAN MANAGEMENT SERVICES EAST, LLC, a Washington limited liability company, AMERICAN MANAGEMENT SERVICES, LLC, a Washington limited liability company, AMERICAN MANAGEMENT SERVICES CALIFORNIA INC., a Washington corporation, GFS RISK LLC, a Washington limited liability company, GOODMAN REAL ESTATE, INC., a Washington corporation, formerly d.b.a GOODMAN FINANCIAL SERVICES, INC., STANLEY HARRELSON, an individual, JOHN GOODMAN, an individual, PINNACLE IRWIN LLC, a Washington limited liability company, and PINNACLE MONTEREY LLC, a Washington limited liability company,

Plaintiffs,

vs.

SCOTTSDALE INSURANCE COMPANY, a Delaware corporation, and LEXINGTON INSURANCE COMPANY, a Delaware corporation,

Defendants.

**Case No. 2:15-cv-1004-TSZ**

**STIPULATED EXHIBIT LIST  
FOR PURPOSES OF THE  
PARTIES' CROSS-MOTIONS  
FOR SUMMARY JUDGMENT ON  
THE DUTY TO DEFEND**

The parties in the above-captioned matter submit the below Stipulated Exhibit List for purposes of the parties' Cross-Motions for Summary Judgment on the Duty to Defend. The corresponding exhibits are attached hereto. The parties stipulate to authenticity of the documents set forth in the Stipulated Exhibit List, but the parties reserve the right to object to the admissibility of any exhibit.

Exhibit No.	Description
1	Lexington Insurance Company Commercial General Liability Policy No. 3470023 (effective 4/10/03-4/10/04)
2	Lexington Insurance Company Commercial General Liability Policy No. 0328814 (effective 4/10/04-4/10/05)
3	Lexington Insurance Company Commercial General Liability Policy No. 2606695 (effective 4/10/05-4/10/06)
4	Lexington Insurance Company Commercial General Liability Policy No. 6120162 (effective 4/10/06-4/10/07)
5	Lexington Insurance Company Commercial General Liability Policy No. 0631748 (effective 4/10/07-4/10/08)
6	Scottsdale Insurance Company Commercial General Liability Policy No. RBS0001646 (effective 4/10/08-4/10/09)
7	Scottsdale Insurance Company Excess Liability Policy No. XLS0050472 (effective 4/10/08-4/10/09)
8	Scottsdale Insurance Company Commercial General Liability Policy No. RBS0001718 (effective 4/10/09-4/10/10)
9	Scottsdale Insurance Company Commercial General Liability Policy No. RBS0002725 (effective 4/10/10-4/10/11)

10	Scottsdale Insurance Company Commercial General Liability Policy No. RBS0002791 (effective 4/10/11-4/10/12)
11	Complaint for Declaratory Relief, Disgorgement, Accounting and Damages (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 5/20/10)
12	Amended Complaint for Declaratory Relief, Disgorgement, Accounting and Damages (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 5/28/10)
13	Second Amended Complaint for Declaratory Relief, Disgorgement, Accounting and Damages (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 8/20/10)
14	Third Amended Complaint for Declaratory Relief, Disgorgement, Accounting and Damages (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 7/12/11)
15	Fourth Amended Complaint for Declaratory Relief, Disgorgement, Accounting, Compensatory and Punitive Damages, and Attorney's Fees (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 2/14/12)

16	Fifth Amended Complaint for Declaratory Relief, Disgorgement, Accounting, Compensatory and Punitive Damages, and Attorney's Fees (including exhibits), <i>Fort Benning Family Communities, LLC, et al. v. American Management Services East LLC, et al.</i> , Superior Court of Muscogee County, Georgia, Case No. SU10CV2025-F (filed 8/1/12)
17	Complaint for Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , Superior Court of Monterey County, California, Case No. M112710 (filed 6/15/11)
18	Amended Complaint for Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , Superior Court of Monterey County, California, Case No. M112710 (filed 10/6/11)
19	Second Amended Complaint for Restitution, Disgorgement, Damages, Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , Superior Court of Monterey County, California, Case No. M112710 (M115143) (filed 4/25/12)
20	Third Amended Complaint for Restitution, Disgorgement, Damages, Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , Superior Court of Monterey County, California, Case No. M112710 (M115143) (filed 10/11/12)
21	Fourth Amended Complaint for Restitution, Disgorgement, Damages, Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , Superior Court of Monterey County, California, Case No. M112710 (M115143) (filed 8/14/14)

22	Fifth Amended Complaint for Restitution, Disgorgement, Damages, Declaratory and Injunctive Relief (including exhibits), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , U.S. District Court, Northern Dist. of California, San Jose Division, Case No. 5:14-CV-03953 BLF (filed 4/16/15)
23	Correspondence from David A. Farrell of Lexington to Jo Ann Garrett of the Pinnacle Family of Companies (dated 8/17/10)
24	Correspondence from David A. Farrell of Lexington to John Carrosino of the Pinnacle Family of Companies (dated 1/22/13)
25	Complaint to the Washington State Office of the Insurance Commissioner regarding Lexington (dated 8/25/14)
26	Correspondence from April N. Piniella of AIG to Barb Kelley of the Washington State Office of the Insurance Commissioner (dated 10/1/14)
27	Correspondence from Serafina Chaelen of Lexington to John Carrosino of American Management Services (dated 1/15/15)
28	Correspondence from Serafina Chaelen of Lexington to John Carrosino of the Pinnacle Family of Companies (dated 6/26/15)
29	Correspondence from Lisa S. Doyle of Scottsdale to Jennifer Kohout of American Management Services (dated 8/17/10)
30	Correspondence from Alan B. Yuter of Selman Breitman to American Management Services LLC (dated 1/11/13)
31	Correspondence from Linda Foreman to Alan B. Yuter of Selman Breitman (dated 4/5/13)
32	Correspondence from Alan B. Yuter of Selman Breitman to Linda Foreman (dated 4/11/13)

33	Complaint to the Washington State Office of Insurance Commissioner regarding Scottsdale (dated 8/25/14)
34	Correspondence from Alan B. Yuter to Barb Kelley of the Washington State Office of the Insurance Commissioner (dated 9/24/14)
35	Correspondence from Alan B. Yuter of Selman Breitman to Linda Foreman (dated 12/2/14)
36	Correspondence from Douglas A. Greer of Selman Breitman to Linda Foreman (dated 6/10/15)
37	Affidavit of Deena Guinard (dated 10/24/13)
38	Affidavit of Jacqueline Mackey (dated 10/20/11)
39	Affidavit of Charles Yance (dated 10/19/11)
40	Affidavit of Kim Alesi (dated 1/22/13)
41	Affidavit of George Boomer (dated 1/22/13)
42	Affidavit of Krystal Centers (dated 8/2/13)
43	Affidavit of Dane Smith (dated 4/1/13)
44	Affidavit of Patricia Zyzyk (dated 2/15/12)
45	Affidavit of Wanda Gotay (dated 1/22/13)
46	Declaration of Joshua Merrill (dated 12/1/11)
47	Declaration of Alanso Arias (dated 8/5/14)
48	Declaration of Harold Hernandez (dated 6/10/14)

49	Declaration of Paul David Cramer in Support of Plaintiffs' Motion to Dissolve Preliminary Injunction Pursuant to Federal Rule of Civil Procedure 59(e), <i>Monterey Bay Military Housing, LLC, et al. v. Pinnacle Monterey, LLC</i> , U.S. District Court, Northern Dist. of California, San Jose Division, Case No. 5:14-CV-03953 BLF (filed 3/24/15)
50	Correspondence from Jo Ann Garrett to Russell Bank of Mercator (dated 7/31/10)
51	General Liability Notice of Occurrence/Claim (dated 8/2/10)
52	Correspondence from Russell Bank of Mercator to Jeff Johnson of Scottsdale (dated 8/2/10)
53	Correspondence from Lisa Doyle to Jo Ann Garrett (dated 8/5/10)
54	Memorandum from Tom Eyler to John Carrosino (dated 11/12/12)
55	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 9/18/14)
56	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 9/24/14)
57	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 10/4/14)
58	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 10/6/14)
59	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 10/23/14)
60	Correspondence from Linda Foreman to Douglas A. Greer of Selman Breitman (dated 10/29/14)



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Correspondence from Kyle Sturm to Alan B.  
Yuter of Selman Breitman (dated 4/15/15)

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated this 5th day of November, 2015.

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a full, true and correct copy of the foregoing Stipulated Exhibit List For Purposes of the Parties' Cross-Motions for Summary Judgment on The Duty to Defend by:

- ☐ U.S. Postal Service
- ☒ Electronically, utilizing CM/ECF
- ☐ Facsimile
- ☐ Arranging for hand delivery [as indicated]
- ☐ Overnight mail
- ☐ Electronic mail, via Outlook

addressed to the following named person(s) at their last known address(es):

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DATED: November 5, 2015

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